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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,039	03/22/2004	Alexander Patton Janssen JR.	2012-11	9983

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Richard D. Multer  
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P.O. Box 2384  
Shelton, WA 98584

EXAMINER
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HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3721

MAIL DATE	DELIVERY MODE
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08/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/806,039

Applicant(s)

JANSSEN ET AL.

Examiner

Christopher R. Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6,7 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) 18-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,6,7,11-17 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims 18-28 drawn to an invention nonelected without traverse. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 11, 15, 17, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaeger (US 6,283,466).

Jaeger discloses a method of manufacturing a compartmented folder comprising mechanically conveying to work stations 11-17 of a production line T: folder components comprising first A and second folder panels G and multiple dividers B-F; employing alignment mechanism 23 for aligning components; employing securing/adhesive mechanisms at each station to secure an internal divider edge to a complimentary edge of a component, see column 8 lines 56+; see figures 1-2. Carry-along elements 27, 28 with fingers 29 convey the products at spaced intervals along production line T; see column 3, lines 34+. Note also that figures 17-19 represent aligning component edges for construction.

### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (US 6,283,466) in view of Blair (US 3,260,516).

Jaeger does not specify the adhesive applicators for securing the ends of components nor vacuum conveyors for transporting the separate components from stacks however Blair discloses a method of manufacturing a compartmented folder comprising feeding stations 4 and 5 with conveyors 15 and 16 for conveying file folder components to work station 3 for taping dividers; see column 3, lines 61+; vacuum pickoff and transfer cups 110; employing glue mechanism 192/195 and taping mechanism for securing edges of components (including side wall portions); see figures 1 and 3-5; column 10 lines 19+. Pressing components 201-203 press the tape to fold edges and press components 204 to the sidewall margins of the components; see column 10, lines 40+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the adhesive taping method of Blair in the invention to Jaeger in order to join/secure the components together at the separate stations where desired.

Further it would have been obvious to one of ordinary skill in the art to utilize the feed conveyors including vacuum cups as taught by Blair in the invention to Jaeger for feeding/transferring the individual components from stacks to the production line.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (US 6,283,466) in view of Blumberg (US 6,190,298).

Jaeger does not directly disclose a pleating station, however Blumberg teaches roller mechanism 66 for forming pleats in tape 70 for application to file folder components. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the pleating mechanism of Blumberg in the invention to Jaeger in order to join/adhere the components together with an expandable pleated binding.

7. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (US 6,283,466) in view of Blair (US 3,260,516), as applied to claims 6-7 and 14 above, in further view of Blumberg (US 6,190,298).

The modified invention to Jaeger does not include pleating the tape segments applied to the folder components, however Blumberg teaches a tape pleating station, see above, for creating an expandable pleated binding for a folder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the pleating mechanism of Blumberg in the modified invention to Jaeger in order to join/adhere the components together with an expandable pleated binding.

### ***Response to Arguments***

8. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

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Jaeger is considered to disclose the creation of a file folder, note that during patent examination, the pending claims must be interpreted as broadly as their terms reasonably allow. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 320,322 (Fed. Cir. 1999). In determining the patentability of claims, the PTO gives claim language its broadest reasonable interpretation" consistent with the specification and claims. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). See MPEP § 904.1.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

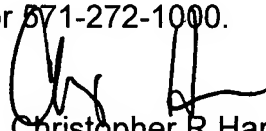
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher R Harmon  
Primary Examiner  
Art Unit 3721